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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/767,004   | 01/28/2004  | Yingqing Lawrence Cui | 08226/0200356-USO   | 5027             |
| 38880  | 7590        | 02/01/2007            |                     |                  |
| DARBY & DARBY P.C.<br>P.O. BOX 5257<br>NEW YORK, NY 10150-6257 |             |                       |                     |                  |
|  |             |                       | EXAMINER            |                  |
|  |             |                       | POPHAM, JEFFREY D   |                  |
|  |             |                       | ART UNIT            | PAPER NUMBER     |
|  |             |                       | 2137                |                  |
|  |             |                       | MAIL DATE           | DELIVERY MODE    |
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Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No. .  
10/767,004

Applicant(s)  
CUI ET AL.

Examiner  
Jeffrey D. Popham

Art Unit  
2137

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 17 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: See Continuation Sheet.

  
EMMANUEL L. NOISE  
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: Amendments to the independent claims including determining at least one device signature independent of user authentication has not been previously seen in any claim and changes the scope of the claims, requiring further consideration and/or search. The amendments to claims 5 and 35 include additional new limitations that change the scope of the claims, requiring yet further consideration and/or search.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that Tewari does not teach determining at least one device signature independent of user authentication. This is insignificant, since the claims previously required determining at least one device signature independent of user configured access information; and no claim prior to the current amendment included this feature.

Applicant also argues that Fishman does not teach determining a device signature; or means for determining a level of trust based, in part, on associated information included within a request. Since Fishman was not used for rejection of such limitations, these arguments are moot.

Applicant also argues (regarding claim 35) that none of Tewari, Laraki, or Aura teach initially determining at least two device signatures for the mobile device based on the at least one level of trust, wherein the at least two device signatures are each determining independent of user authentication. Due to this argument being based on "initially" and "user authentication", which are both amended features, this argument is moot.

Applicant also argues that there is no motivation to combine Tewari and Aura. For this argument, applicant suggests that the motivation to combine Aura with Tewari is simply to "allow the mobile device to obtain authentication with new base stations with reduced delay." However, the motivation is more in depth than that, being to "allow the mobile device to obtain authentication with new base stations with reduced delay, while allowing the device to maintain multiple levels of trust via credentials and signatures, such that the device can access multiple levels of content, resources, etc." This ability to maintain multiple levels of trust via credentials and signatures allowing access to multiple levels of content, resources, etc. for the same device is clearly beneficial to the content delivery system of Tewari as modified by Laraki.

Applicant also argues that Tewari does not teach a plurality of levels of trust. This is deemed insignificant since no claim prior to the current amendment included such a feature. The claims stated were concerned with "at least one level of trust", as opposed to "a plurality of levels of trust".

Continuation of 13. Other: The information disclosure statement filed 11/22/2006 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.